

REMARKS

The Examiner is thanked for indicating that Claims 8-30, 38-40, and 42-49 are allowed.

Claims 32-35 have been amended. Claims 42-44 have been canceled. No claims have been added. Hence, Claims 8-30, 32-35, 37-40, and 45-49 are pending in the present application.

Claims 42, 43, and 44 have been canceled herein without prejudice and for reasons not related to patentability.

I. STATUS OF CLAIMS

Claims 42, 43, and 44 have been canceled herein.

Claims 8-30, 37-40, and 45-49 stand allowed.

Claims 32-35 were rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

II. REJECTION OF CLAIMS 32-35 UNDER 35 U.S.C. § 101

Claims 32-35 were rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory matter. Specifically, the Office Action asserted that Claims 32-35 are directed to both tangible and non-tangible computer-readable media. This assertion is incorrect.

Each of Claims 32-35 recites a “computer-readable” medium. It is respectfully submitted that by its express terms a “computer-readable” medium is tangible because it is capable of being read by a computer; if it were otherwise, a non-tangible medium would be capable of being read, which is a logical fallacy. Thus, the interpretation of what constitutes “tangible” and “non-tangible” medium asserted in the Office Action is incorrect.

Nevertheless, Claims 32-35 have been amended herein to recite a “computer-readable storage” medium, which the Office Action appears to consider as tangible. It is respectfully submitted that this amendment to Claims 32-35 is made solely for the purpose of conforming these claims to the incorrect interpretation of 35 U.S.C. § 101 advanced by the Office Action.

Thus, this amendment to Claims 32-35 is not be construed in any way as surrendering any claim scope.

For the above reasons, Claims 32-35 are directed to patentable subject matter.

Reconsideration and withdrawal of the rejection of Claims 32-35 under 35 U.S.C. § 101 is respectfully requested.

III. CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed. Further, for the reasons set forth above, Applicant respectfully submits that all pending claims are allowable. Reconsideration of the present application is respectfully requested in light of the amendments and remarks herein.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firms check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
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